

ASSEMBLY BILL

No. 3035

Introduced by Assembly Member Dymally

February 26, 2004

An act to add Section 1254.8 to the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 3035, as introduced, Dymally. Health facilities: neonatal intensive care units.

Existing law provides for the licensure and regulation by the State Department of Health Services of health facilities, including hospitals. Existing law requires a general acute care hospital to provide basic services, and authorizes the hospital, upon approval of the department, to provide special services. A violation of these provisions is subject to criminal sanction.

This bill would prohibit, with some exceptions, a hospital that does not have a neonatal intensive care unit (NICU) on site from delivering a fetus that the hospital knows, or has reason to know, has been diagnosed with a congenital abnormality that will require surgical intervention.

Because this bill would add to the requirements of health facilities, a violation of which would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1254.8 is added to the Health and Safety
2 Code, to read:

3 1254.8. (a) Except as provided in subdivision (b), a hospital
4 that does not have a regional neonatal intensive care unit (NICU)
5 on site shall not deliver a fetus that the hospital knows, or has
6 reason to know, is diagnosed with a congenital abnormality that
7 will require surgical intervention.

8 (b) (1) Subdivision (a) does not apply to a small and rural
9 hospital, as defined in Section 124840.

10 (2) Subdivision (a) does not apply to an emergency situation.
11 However, if a hospital is required to commence delivery of a fetus
12 that has been diagnosed with a congenital abnormality requiring
13 surgical intervention in an emergency situation, the hospital, as
14 soon as the hospital becomes aware of the status of the fetus, shall
15 notify the nearest hospital that has a NICU on site.

16 SEC. 2. No reimbursement is required by this act pursuant to
17 Section 6 of Article XIII B of the California Constitution because
18 the only costs that may be incurred by a local agency or school
19 district will be incurred because this act creates a new crime or
20 infraction, eliminates a crime or infraction, or changes the penalty
21 for a crime or infraction, within the meaning of Section 17556 of
22 the Government Code, or changes the definition of a crime within
23 the meaning of Section 6 of Article XIII B of the California
24 Constitution.

